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## FACTORY LEGISLATION FOR THE PROTECTION OF WOMEN AND CHILDREN IN ITALY.

SOME attention was given to the protection of children employed in factories in Italy even in the middle ages. The capitularies established a minimum age for children, and regulated their treatment by their employers. The fact that the capitularies lack many of the provisions for the protection of children found in modern laws, and do not at all concern themselves with the protection of women, is due in part to the different methods of production in use at that time, which were such as not to give rise to certain difficulties guarded against by modern laws, and also in part to the infrequent employment of women and the influence of tradition in limiting the hours of labor for all laborers without distinction.<sup>1</sup> By a law of the Republic of Venice of 1396, children of both sexes employed in factories are placed under the care of the state and protected against the arbitrary will of the manufacturers. This law was afterward confirmed in 1402. Similar laws were issued by all the Italian republics that had attained a certain grade of industrial development. The decay of the industries on the one hand and the rigid traditions formulated by nearly all the trade guilds, removed all occasion for legislation upon such subjects until toward the first half of the present century. Between 1838 and 1844 the rise of great industries, especially in northern Italy, and the echo of the English discussion and legislation on the regulation of labor in factories, led certain Italian philanthropists and scientists to occupy themselves with these questions. The questions treated by the scientists in their publications and repeatedly brought before their congresses, consider children exclusively, for whom they demand a shortening of the hours of labor, with some care for education; and at the same time they

<sup>1</sup>"Die Kinderarbeit in Italien" (*Jahrbücher für Gesetzgebung*, N. F., B. 9. 1885, p. 784).

recommended some provisions favoring the small industries. But specific propositions were still timid; for instance, one suggestion was to have boys from six to nine years of age work four hours a day, and those from nine to twelve years eight hours, so that the two relays would equal the twelve hours work of an adult man.<sup>1</sup>

This scientific movement found an echo in the legislation of the Lombard-Venetian kingdom. On the seventh of December 1863, the viceroy by circular letter issued regulations<sup>2</sup> governing the work of children in factories. Factories were defined in this circular as industrial establishments employing more than twenty operatives over fifteen years of age. The circular also prohibits the employment in factories of children under nine years of age, and where the work is dangerous or unhealthful the prohibition is extended to include all under fourteen years of age. Besides the requirements as to age, children, before being placed in factories, must show that they have had the first two years of instruction in the elementary schools, or its equivalent. The maximum length of a day's work is ten hours for children under twelve years of age, and twelve hours for children from twelve to fourteen years, with proper intervals of repose and time for eight hours' sleep. Night work (from 9 P.M. to 5 A.M.) is prohibited for children of either sex from nine to twelve years of age, under penalty of a fine of from five to twenty-five florins. Supervision of the execution of these enactments was given to the provincial and municipal authorities, assisted by inspectors and physicians chosen by them. The lack of officials specially appointed to carry out this ordinance soon led to its falling into desuetude.

From 1844 to 1870 political events swallowed up all other problems, so that scientists as well as legislators concerned themselves only incidentally with social questions. During this period we have to record only one law. This is dated November 20, 1859, and was issued by Piedmont, Lombardy and the

<sup>1</sup>*Atti della sesta riunione degli scienziati italiani* (Milan, 1845), p. 248.

<sup>2</sup>*Annali dell' Industria e del Commercio*, 2d series, No. 20, pp. 3-5, 1880.

Marches. It relates to mines and contains only one provision bearing on our subject, namely, that children under ten years of age shall not go down into mines nor work in them. Violations of this law were made punishable by a fine of from five to fifty lire.<sup>1</sup> The prohibition was afterward, by an ordinance, extended to the whole kingdom, but, in the absence of legislative sanction and of proper oversight, it remained a dead letter.

## II.

This period was followed by the one from 1870 to 1886, which may be a period of preparation, and which closed with the law of 1886 for the protection of children, to which I shall have to return later. During this period the protection of women and children in factories was extensively studied and discussed. The economists sought to enlighten public opinion in numerous publications discussing foreign legislation, and demanded legislative provisions which were often impracticable, and which, on account of parliamentary changes or of the opposition of those interested, rarely attained even the honor of a discussion. Besides general bills for the protection of laborers, we have in this period some provisions contained in a bill for a sanitary code, and another that treats only of the regulation of labor in mines; both of these contain some provisions relating to our subject; but they bear only on the work of children,<sup>2</sup> while some of the general bills embody attempts to regulate the work of women also. The legal principle on which all these legislative attempts is based is essentially the protection of minors. This is at least part of the reason for the scarcity of provisions looking to the protection of adult women; while among the few provisions of this latter sort that were brought forward, the prohibition of work to women after child-birth is justified on the plea of the welfare of the new-born children. Common to all these bills, moreover, is the moderation of their

<sup>1</sup>*Annali dell' Industria e del Commercio*, 2d series, No. 20, pp. 5-6, 1880.

<sup>2</sup>If we except the amendment of Luzzatti, presented to the Chamber of Deputies May 20, 1875, which excludes women from underground work in quarries and mines.

provisions—a moderation due in part to a fear of causing too great a shock to industry, as also to the fact that they all confine their demands to the great industries. Of the numerous *inchieste* on this subject, made during this period, those of 1877 and 1879 should be mentioned as of especial interest.

In 1869 an advisory commission for eleemosynary institutions had been formed by the Minister of Agriculture, Industry and Commerce, on which it was among other things, incumbent to look after the work of children in factories. In 1876 this commission appointed a sub-commission to report upon the subject. At the suggestion of this sub-commission in 1877, the Minister of Agriculture, Industry and Commerce issued a circular to fourteen prefectures, asking for information as to the condition of women and children in factories, and also as to the advisability of a law for their protection. The questions were sent to the various local officials, to certain prominent employers of labor, and to a certain number of workmen. The disadvantages of such a canvass by written questions with its marked bureaucratic features, cannot here be taken up in detail. I shall have to content myself with a summary of the results.<sup>1</sup> From the replies obtained in this inquiry, it may be inferred that women and children were at this time extensively employed in Italian industries. The minimum age varied from one industry to another; in the spinning mills for instance, children were taken on at the age of six, though not for heavy work. In general the average minimum age was from nine to twelve years, and was lower in southern than in northern Italy. The hours of labor for women and children were generally equal to those of the adult workman, but were subject to variations according to the nature of the industry; for example, in the sulphur industry in Sicily the labor day did not exceed six or seven hours, while in the spinning mills of Bergamo it reached fifteen hours in the summer time. Night work was the exception, but where it existed women and children were employed like the other laborers. Holiday vacations were gener-

<sup>1</sup> *Annali del Ministero di Agricoltura, Industria e Commercio*, 1<sup>a</sup> Serie, No. 103, p. 5, *et seq.* (1887).

ally allowed, though in some establishments work went on on festival days till midday. The majority of those questioned said that the women and children were not compelled to work beyond their strength or ability. From Sicily and Liguria, however, it was reported that the work in the mines was too hard for women and children and often deformed them; and replies from other localities spoke of special infirmities induced by the nature of the work and its extreme severity. To the question as to the practicability of a law for the protection of women and children in factories, most of those questioned, especially the manufacturers, thought such a law would prove harmful to national industry and to the laboring class, and would be hard to put in operation under present circumstances, owing especially to the diversity of practice among the various districts of Italy. A few fully approved of the proposed protective law, while a few others approved it with certain limitations.

The inquest of 1877 brought the question of the work of women and children in factories before the government, and Minister Cairoli drew up a bill upon the subject, and by his circular letter of July 25, 1879, began a new and very thorough inquiry by means of questions addressed to the prefects, provincial delegations, provincial sanitary councils, chambers of commerce, the inspector general and chief district inspectors of the mines, municipal officials, economic societies, the principal benevolent societies and the leading employers of labor.

The bill just mentioned aimed to regulate the work of women and children in factories and mines. It forbade the admission into mines and factories of children under nine years of age, and children from nine to fifteen years of age, in order to be admitted, must prove that they have completed the first three grades of the elementary schools. The day's work for children from nine to eleven years of age was limited to eight hours with an hour's rest at noon, or six hours without rest; moreover for children of that age underground work, night work and work in unhealthful industries was forbidden. For children from eleven to fifteen years of age, night work was limited to eight hours,

while the day's work was not to exceed twelve hours, including one-and-one-half hours for two intermissions; also, none of these children must work on Sundays or civil holidays, and mothers must not work within two weeks after childbirth.

Upon the feasibility in general of a law regulating the work of women and children, and upon the above bill in particular, the various classes mentioned above, together with other persons included on special grounds, were called upon to pronounce. The number of answers returned to the minister and classified was 280.<sup>1</sup>

This new *enquête* confirmed the results of the earlier one<sup>2</sup> regarding the age of children employed in factories, to the effect that many children between nine and ten years of age were employed, and many also between eight and nine, and a few as young as six, or even five years of age. It also confirmed the opinion that the severe work to which these children are often subjected, results in moral and physical injuries, and is frequently the cause of early death. The employment of women was likewise considered to be productive of serious immorality, particularly night work and work underground. The fact that working mothers were allowed so short a period of rest immediately before and after childbirth was also greatly deprecated. The great majority seemed to be in favor of regulating the work of women and children in factories. Chief among those who did not favor it, were the manufacturers, especially those of Sicily. The opposition was generally based upon the theoretical ground that legislative interference in such matters is an infringement of personal liberty and exceeds the proper authority of the state, or upon the fear of immediate injury to the various industries and to the families of the laborers. Among those who favored the bill there were some who did not want protection limited to the great industries, but wished it to include the small ones as well, and even to agricul-

<sup>1</sup> *Annali del Ministro di Agricoltura, Industria e Commercio*, 1<sup>a</sup> Serie, No. 15 (1880).

<sup>2</sup> See the preamble of the bill of M. Miceli, Chamber of Deputies, Session 1880-81, Legge XIV<sup>a</sup>, *Documenti* No. 76.

ture. Because as the municipality of Catanzaro expressed it, "the boys are greatly abused in the small private shops, and are worn out by the hard work of the farms."

The opinions given by those questioned in this *enquête* upon the provisions of the Cairoli bill already spoken of, varied greatly.<sup>1</sup> Many proposed to raise the minimum age of children employed in factories to ten years, others to eleven, twelve, and even fourteen years; others again would have lowered it to eight years. Some proposed different limits of age, for northern and for southern Italy; the majority, however, were united on the provision of the Cairoli bill that placed the limit at nine years. On the other hand the provision of the bill respecting the hours of labor for children from nine to eleven and from eleven to fifteen years of age met with great opposition. Many were willing to see the minimum age altered if it did not necessitate further limitations sure to follow, according to them because the work of children was so closely connected with that of adults. Others wanted this double change. The regulations for underground work proposed by the Cairoli bill resulted in bringing again before the world the existence of great abuses, which were especially grave in the case of the sulphur mines of Sicily, where about 3000 children of tender age were compelled by their parents to carry on their backs up steep ladders immensely heavy loads of minerals from the mines to the kilns outside. In the description of these evils, as well as in the demand for a remedy, the unanimity of the local representatives of Caltanissetta, the chief center of the sulphur industry, is especially to be noted. The result, as is usual in the case of such *enquêtes*, was a demand for legislation that would put a stop to this state of things; but there were not wanting those who emphasized the severe shock such legislation would cause to Sicilian industry. The necessity of limiting the employment of children in night work, however, was generally recognized by those who were questioned. Some even proposed measures more rigorous than those of the Cairoli bill;

<sup>1</sup> See the report that precedes the bill of M. Miceli. Camera dei Deputati, Sessione 1880-81. Legge XIV<sup>a</sup>, *Documenti* No. 76, p. 7-27.



but others dwelt upon the impracticability of the eight-hour limitation because of the intimate connection of children's work with that of adults. As to the prohibition of Sunday work, it was noted by many in the *enquête* that the practice of resting on holy days is general in Italy at present for adults also. Upon the limitation of women's work there was the greatest difference of opinion. Some did not want even the simple provisions of the Cairoli bill; others thought that, in accordance with the example of foreign legislation, women should be thoroughly protected. This, in brief, is the result of the *enquête* upon the regulation of the work of women and children.

To these data must be added those obtained by the census of 1881, which show that out of a population of about 3,500,000, including 1,601,669 females and 1,776,333 males, there were 292,265 children between the ages of nine and fourteen employed in various manufactures. Girls were engaged especially in spinning and weaving, and boys in metal work; while in the manufacture of clothing the sexes were employed in about equal proportion. We have now all the data upon which was based the draft of the new law regulating the work of children, which was approved by the Senate, January 31, 1884, and by the Chamber of Deputies, February 11, 1886.

### III.

This law is confined to the regulation of children's work in factories, in quarries and in mines. According to the official regulation appended to the law, only those factories are considered which use mechanical motors, or those in which not less than ten operatives are employed. Children under nine years of age are not to be placed in these establishments, and for underground work the limit is raised to ten years. Children under fifteen, in order to be employed, must present a physician's certificate to the effect that they are in good health and fit for the work in question. Children under fifteen are not to be employed at all in certain occupations designated as dangerous or unhealthful, while in other similar employments the work of such chil-

dren is limited in respect to the number of hours (eight) and the character of the work.<sup>1</sup> In article 9 the law extends the conditions respecting unhealthful work to night work, and prohibits such work for children from nine to ten years of age and limits it to six hours for children from twelve to fifteen years of age.<sup>2</sup> The law prohibits such dangerous work as the management of engines or the polishing of machinery or apparatus for the transmission of power while in motion. Article 3 limits the work of children from nine to twelve years of age to eight hours, while the official regulation provides for an intermission of at least one hour for meals in all cases where the number of hours of work exceeds six. The meals, moreover, are not to be eaten in places where work characterized as dangerous or unhealthful is going on.

The execution of this law is entrusted to the Minister of Agriculture, Manufactures and Commerce, assisted by the Minister of the Interior. The inspection of the establishments to which the law applies is in the hands of the Engineers of Mines and the Inspectors of Manufactures<sup>3</sup> who, for this purpose, have free access to these establishments. Violations of the law are reported by them to the prefect, who in turn refers them to the judicial authorities; but these latter may institute proceedings at their own motion without waiting for such official complaint. The official regulations, moreover, contain provisions for checking the declarations of contractors who employ children, as well as the schedules of work, registers, time-tables, etc., of the children employed. Violations of the law are punished by a fine of from

<sup>1</sup> For example, in mines children are excluded from the work of excavating and breaking up the minerals, placing the machines and management of the apparatus for extracting the metals. Carrying minerals on the head and shoulders is forbidden only to children under twelve years of age.

<sup>2</sup> Exception is made in favor of factories whose work is necessarily continuous. In these the Minister of Agriculture, Manufactures and Commerce may permit the employment of children under twelve years of age; but only for six hours per day.

<sup>3</sup> The Inspectors of Manufactures, besides supervising the factories, are to visit industrial schools and schools of arts and trades, and watch over the work of the associations among the owners of steam machinery.

50 to 100 lire for each child employed contrary to the law, and the fine may be doubled for a second offense.

The law of 1886, whose chief provisions have been given above, is of narrow scope when compared with similar laws in other countries with respect to the industries to which it applies and with respect to the persons protected. The minister who proposed the bill explained its limitation to the great industries by remarking that in such matters it is best to proceed gradually, because a restriction applied simultaneously to all industries is likely to cause too great a disturbance; and, because of the large number of women employed in our industries, such disturbance, according to the minister, would have taken place if provisions regulating their work had been included in the law. The minister also expressed some doubt as to the utility of such regulations; but in this he is opposed by a majority of the Chamber of Deputies who, on the occasion of the discussion of this bill, voted an order of the day in which they demanded provisions for regulating the work of women.

As to the provisions contained in the law as approved, they must be characterized as very conservative, even for a first attempt, and this is to be expected. In England and in other countries the supporters of laws for the protection of workmen in factories are aided in their efforts by the agricultural party, because of the antagonism existing in those countries between that party and the manufacturers; in Italy, on the other hand, there is a complete solidarity between these two parties; hence the difficulties in the way of carrying through any laws of this character. In fact, the minister, in proposing this bill, observed that the numerous bills upon the subject which had preceded his own, had failed chiefly because they were too radical; and all concerned with the bill, the minister proposing it and the chairman of the parliamentary commission<sup>1</sup> that reported it, showed a disposition to be satisfied with a minimum of legislative interference if the bill could only be passed and so establish a precedent. One result of this state of things is the fact already mentioned,

<sup>1</sup>The noted publicist, M. Luzzatti.

that many provisions which should be a part of the law are introduced only in the official regulations under it.<sup>1</sup>

We may now proceed to the study of the practical application of these legislative provisions. The regulations just mentioned enjoin, among other things, that it shall be the duty of the Minister of Agriculture, Manufactures and Commerce to present annually to the Chamber of Deputies a statement of the manner in which the law has been applied and the difficulties arising from its application. As a matter of fact such statements have been presented only twice, first in 1890,<sup>2</sup> and again in 1893.<sup>3</sup> These reports were compiled from the quarterly and annual reports of the Inspectors of Manufactures and of the Inspecting Engineers of Mines. There were two inspectors of manufactures who visited the factories in 1889-90, four in 1891, and three in 1882, and even when assisted by other officials they were able, between July 1, 1889, to December 31, 1892, to visit only 544 establishments. It is evident that there has not been a sufficient personnel whose sole duty it shall be to look after the execution of the law. As regards the mines the conditions are better, for the engineers, divided into ten sections, performed these duties while performing their usual duties as mining inspectors, and so succeeded in making, during this same period, 4265 visits. The minister, in his report of 1893, says:

I am able to report, as generally observed, the regulation regarding the minimum age and the visits for the ascertainment of physical fitness; but, on the other hand, the limitation of the duration of work<sup>4</sup> both by day and by night, and the provisions left to the discretion of the manufacturers; in short, all that tends to modify the progress of the

<sup>1</sup> For instance, the provision regulating night-work which the Senate wanted to include in the law.

<sup>2</sup> *Atti Parlamentari*, Legge XVI<sup>a</sup>, Sessione IV<sup>a</sup>, 1889-90, No. XIX.

<sup>3</sup> *Atti Parlamentari*, Legge XVIII<sup>a</sup>, 1892-3, No. XI.

<sup>4</sup> The same report remarks that in many industries the contractors prefer not to hire the protected children, rather than submit to a limitation of hours; that in most factories the law is complied with in appearance only, by declaring that the hours of children's work are limited to eight hours per day, and by affixing to the door of the factory the legal time table without putting it into practice.

economic administration is seldom lived up to, or, if it seems to be lived up to, it is observed in form but not in substance. Moreover, as regards the execution of the specific points of the law and of the official regulation, every one of them is subject to difficulties that can be remedied only by a recourse to more general and constant supervision.<sup>1</sup>

To obviate the difficulties arising from the lack of supervision, Minister Lacava decreed, in March 1893, that agents of the judicial police should assist in the oversight of the execution of the law and in looking out for violations. The minister remarks in his report of November 1893, that this provision had already good results; that the supervision had in this way been made more effective because it was more promptly and more generally performed. "In a few months the agents of the judicial police reported nearly 100 violations of the law, while from the first of July to the thirtieth of December 1892, only 39 had been reported." As some provinces had not yet been visited, the minister ordered a general inspection of all the factories and mines of the kingdom to be completed within two years.<sup>2</sup> This inspection shows the length of time required for bringing about a general observance of the law, and also how rare and often reluctant was the action of the local authorities in coöperating, as was their duty, in the execution of the law, which was even then in not a few places *absolutely unknown*.

It appears from all this that the most important question in Italian legislation for the protection of laborers, and one that demands an immediate solution, is that of supervision of the execution of the present law. The measures taken by the minister were not sufficient for this purpose, because the agents of the judicial police lacked the technical skill required of

<sup>1</sup> *Atti Parlamentari*, Legge XVIII<sup>a</sup>, 1892-3, p. 57.

<sup>2</sup> In 1893 the inspectors and engineers made 594 visits to the mines and 892 to the factories. Add to this the visits of the judicial police and we have the total number of visits made in 1893, which exceeds by a third the total number from 1887 to 1892 (*Relazione della Commissione All' 2 Atti Parlamentari*, Legge XVIII<sup>a</sup>, No. 244<sup>A</sup>). In the first three quarters of 1895 there were 756 visits to the factories by the inspectors and engineers, and 521 to the mines.

inspectors, and their official position also aroused the distrust of both employers and laborers. The question of supervision has not been solved in Italy as elsewhere by the appointment of a special corps of inspectors. The fears expressed so often in speaking of the creation of new functionaries do not seem to me well founded. If the powers of the state are increased it is clearly necessary to find officials suited to the new functions.

#### IV.

The law of 1886 took the first timid step toward legislation for the protection of labor in Italy. To this succeeded a new period of preparation which we may hope will soon be brought to a close by the law recently presented to Parliament by Minister Barazzuoli, which provides for the creation of a corps of factory inspectors. During this new period of preparation a few data upon the labor of children have been furnished by the factory inspectors and the engineers of the mines. There is also some important though incomplete information at hand regarding the work of women in factories, furnished by an *enquête* conducted by Minister Lacava in 1893. Finally, the aims and purposes of the Berlin conference for the protection of labor held in 1890 became a sort of guide for subsequent legislation and influenced the bills brought forward in Italy during this period.

The data furnished by the inspectors and engineers during this period are as follows: In 1891, among 220 industrial establishments belonging to sixteen provinces, there were employed 5830 children. Of these 105 or 1.8 per cent. were between nine and ten years of age; about 10 per cent. were between ten and twelve years, while the remaining 88 per cent. were from twelve to fifteen years of age. In 1893 the proportion of those between nine and ten years had fallen to .82 per cent.; that is, there were only 59 children of this age out of 9192. In the quarries and mines visited in 1892, out of 11,159 boys employed 353 or 3.2 per cent. were found to be under ten years of age,

while among those visited in 1893 there were only 101 out of 8121 or 1.24 per cent.<sup>1</sup>

According to the results of the *enquête* carried on by Minister Lacava, which covered fifty-five provinces, the number of women employed in the factories of those provinces was 264,500.<sup>2</sup> Out of 74,912 females employed in nine of those provinces, 14,056 were between nine and fifteen years of age and therefore came under the protection of the law of 1886; while the remaining 60,855 were above the age of fifteen. In the five provinces that furnished information on the status of the employees there were reported 41,022 unmarried, and 10,904 married women or widows out of a total of 51,926. In general the prefects who superintended the inquiry showed themselves favorable to the total or partial prohibition of night work for women, as also to the limitation of their day's work (many favored the ten hours day) and the prohibition of their employment in unhealthful and dangerous work, and finally to the prohibition of work to mothers for a specific period after childbirth.<sup>3</sup>

The first bill that, based upon the facts above recited, sought to modify the law of 1886 by extending its action, was that of Minister Lacava which was presented to the Chamber of Deputies November 23, 1893, and was given a favorable report from the parliamentary committee by San Giuliano, but through usual parliamentary changes it failed to come up for discussion. The most important modification found in the bill is a series of provisions for regulating the work of women; though it also contains some new provisions regarding the work of children. In this bill, which also restricts its action to the regulation of work in the great industries, the limit of age for employment in factories remains at nine years, as in the law of 1886;<sup>4</sup> but it

<sup>1</sup> See the Report of San Giuliano. *Atti Parlamentari*, Legge XIX<sup>a</sup>, First Session 1895, No. 59<sup>A</sup>.

<sup>2</sup> According to the census of 1881 there were 1,601,699 women employed in Italian factories, of whom 153,185 were from 9 to 14 years of age.

<sup>3</sup> *Atti Parlamentari*, Legge XVIII<sup>a</sup>, First Session, No. 262.

<sup>4</sup> The parliamentary committee proposed a minimum age of 10 years. *Atti Parlamentari*, Legge XVIII<sup>a</sup>, First Session, No. 242<sup>A</sup>.

raises the age for employment in underground work from ten to twelve years, and entirely prohibits the employment of women in certain kinds of work in sulphur mines. The prohibition of work in unhealthful and dangerous industries was also extended to include women under twenty-one years of age. The prohibition against night work was extended to include women who had hitherto been excepted from such prohibition, that is to say, to women from fifteen to twenty-one years of age. Moreover mothers were prohibited from work for four, or in exceptional cases for two weeks after childbirth.<sup>1</sup> The law of 1886 applied the eight-hour limit only to the work of children from nine to twelve years of age. According to the new bill such children are to work only six hours per day, thus facilitating the double system of shifts. Moreover the limit of ten hours was extended to include children from twelve to fifteen years of age, and that of twelve hours to women from fifteen to twenty-one. The provisions also enjoin proper holidays and daily intermissions. Supervision, as in the law of 1886, was entrusted to the Inspectors of Mines and of Manufactures, to the officials of the judicial police and to other public functionaries.

This bill was followed by that of M. Barazzuoli<sup>2</sup> at the last session of Parliament (November 1895) and as this, in a slightly modified form, is doubtless destined in a short time to become a law, it deserves closer examination. Besides the ministerial report upon the bill, we have also that of the parliamentary committee,<sup>3</sup> and a study of these two will give the dominant features of Italian legislation on this subject at the present time.

The Barazzuoli bill aims to give fuller effect to the protec-

<sup>1</sup>The parliamentary committee pronounced itself opposed to this provision, (1) because "with the exception of the justifiable provision concerning night work, the inspiring principle of this bill is the protection of minors;" (2) on account of the unprosperous condition of our laboring classes; (3) on account of the great and apparently insurmountable difficulties in the way of its execution.

<sup>2</sup>*Atti Parlamentari*, Camera dei Deputati, Legge XIX<sup>a</sup>, First Session, 1895, *Documenti* No. 59.

<sup>3</sup>*Atti Parlamentari*, Camera dei Deputati, Legge XIX<sup>a</sup>, First Session, 1895, *Documenti* No. 59<sup>A</sup>.



tion afforded children by the law of 1886, and to extend the protection of the state to women employed in the great industries, while it seeks at the same time to justify this action of the state under the principle of protection of minors, and regards as exceptional the few provisions which do not fall under that principle. It is characteristic of the attitude of most Italians upon such questions to recognize only with reluctance the right of the state to interfere for the defense of society, and to seek to reconcile the provisions that define such intervention with the older ideas of the so-called liberal school. We shall soon see how this way of looking at the subject has led to not a few contradictions.

The first article of the Barazzuoli bill raises the limit of age for children from nine (law of 1886) to ten years. This modification of the law of 1886, which was accepted also by the parliamentary committee, is justified by the laws of health and the experience of other countries and will not seriously disturb the national industry, since, as is shown by the latest statistics, the number of children employed below the age of ten is rapidly diminishing; further the change is demanded by the great manufacturers' associations, especially those of the cotton and silk industries. One of its effects will certainly be to cause temporary loss to the households which have children employed between the ages of nine and ten or else these parents will be foolishly led to place such children in small establishments. As to the first of these consequences, it is inevitable in a law of this sort especially in times of financial depression, but the loss will be made good to these families by the more effective labor of such children after they have reached the age of ten; while the unfortunate results suggested by the second objection can only be avoided by a general law for the protection of children.

Article I also prohibits the employment of women and of children under twelve in underground work. Few children under twelve years of age are employed in the mines of Italy, except in the Sicilian sulphur mines, and even there the num-

ber is constantly diminishing. In 1887 the children between the ages of ten and twelve made up 36.5 per cent. of the whole number of children employed in these mines; while in 1892 they formed only 21.5 per cent., and in 1893 only 17.7 per cent. of the whole. The necessity of raising the limit of age for the admission of children to underground work in mines is, as has been seen, generally recognized; it would have been possible, with shrewd management, to extend this limit beyond the age of twelve, but this would certainly injure many interests in Italy. Even the limit of twelve years will be a heavy blow to certain industries and especially to the Sicilian sulphur interest in its present critical condition; but on the other hand reform is especially needed in this industry because it is here that children are employed to carry minerals on their backs up steep ascents, to the serious injury of their physical development. Then, too, the embarrassment that might follow the execution of the law would be diminished by the technical progress that this industry has recently made, while, as the demand for work has been lessened by the closing of many mines on account of the crisis, a legislative act that diminishes at the same time the opportunity for work would seem to offer a great advantage at present. As to the prohibition of underground work to women, it is found in all the bills and was sanctioned by the unanimous vote of the delegates to the conference of Berlin.

Another important provision of the bill is the prohibition of night work to children under twelve and to women under twenty-one. The parliamentary commission wished to modify this provision so as to forbid night work to children of both sexes under fourteen years of age and to limit its duration to ten hours for boys from fourteen to fifteen years of age and for women under twenty-one. After the promulgation of the law for three years they wish night work to be prohibited also to both the latter classes. The reasons which induced the committee to propose this modification are ably set forth in the masterly report of the committee given by M. Di San Giuliano. According to this

report night work is not in use to any great extent in Italy, especially for children. It is most profitable for factories which employ water power, and it is in these that the night work of girls and women is chiefly done. The cotton industry, especially, employs 100,000 night operatives and turns out nearly one-third of its total production by means of night work. The results of night work, especially that of boys, are very unsatisfactory, and many manufacturers maintain it merely for the sake of competition, and that is the reason the association of cotton manufacturers decided by a large majority to ask for a law abolishing, within three years, the employment in night work, of children under fifteen and women under twenty-one. Moreover, night work is injurious to the health of operatives, especially to those of tender years. Limitation having been accepted in principle, the question now is to discover the best method of giving it effect. According to the report of the committee and the opinion of many manufacturers, it is better to raise the limit of age for admission to night work than to limit it in a manner incompatible with the proper organization of industry. The limit of six hours proposed by the minister for boys from twelve to fifteen would hardly be practicable on account of the relation between the hours of work of children and those of adult operatives; and besides it would be a disadvantage to the boys, morally and physically, to go out from the factories in the small hours of the night.

Such are the reasons which have induced the parliamentary committee to suggest the above modification to the Barazzuoli bill. The period of three years between the promulgation and the execution of the law is conceded in order that industry may adapt itself to its new conditions. I am perfectly in accord with the parliamentary committee, except on the one point of restricting the protection of women to minors or those under twenty-one years of age. The reason given by the committee in favor of the protection of minors, namely, that "they usually take very little care of themselves and rarely heed the necessity for rest," applies with equal force to women at all ages. Like-

wise the more general consideration that the proposed limitation would be profitable to the cotton industry which is suffering from over-production, is just as cogent when applied to the prohibition of night work for all women. Moreover, in the preliminary period of three years before the execution of the law the passage from the present system to the one for which I am speaking can be accomplished with comparative ease.

Another article of the bill prescribes that mothers shall not return to their work within one week after child-birth. The parliamentary committee which examined the bill of 1893, expressed themselves as opposed to the provision in that bill on this subject on account of the difficulty of putting it in execution and also because it deprived the mothers of their wages at the time of their greatest need. The committee which examined the provision of the present bill, after long discussion, declared themselves in favor of it.

Another important innovation which it is proposed to embody in the present law is contained in article 7 of the bill which deals with the hours of daily work. According to the ministerial bill this provision comprises the following points :

1. From six to eight hours per day for children under twelve years of age.
2. Ten hours per day for children from twelve to fifteen years of age whose time has not been otherwise limited.
3. Twelve hours per day for women from fifteen to twenty-one whose time has not been otherwise limited.
4. The requirement as to rest shall be transferred from the official regulation to the law, such requirement to be extended to include women under twenty-one years of age and the rest period to be doubled when the period of daily labor exceeds eight hours.

The bill of the parliamentary committee proposes instead :

1. To exclude children of both sexes under twelve years of age from certain industries to which they are now admitted by adding a third category to the list of unhealthful and dangerous work already dealt with by the law of 1886.

2. To maintain the actual period of eight hours per day for those occupations in which they may still be employed.

3. To prescribe as the length of the day's work the single maximum limit of twelve hours in the twenty-four for children of both sexes from twelve to fifteen years of age and for women from fifteen to twenty-one.

The report and subsequent proposals of the parliamentary committee are based upon an accurate study of facts; but the report is defective in that it considers too exclusively the opinions of employers, while those of the laborers are not taken into account at all, although they seem to be different from those of the employers even in regard to the hours of labor, to judge from the frequent strikes due to this cause. Moreover, as it seems to me, the conclusions of the committee show that the recent observations upon the relations of the daily work period to the productiveness of labor, have not been considered with sufficient care.

As regards the exclusion of children under twelve years of age from certain kinds of work, especially from those departments of the cotton and silk industries that are unhealthful, and from others in which they are intimately connected with the work of adults, I am in accord with the parliamentary committee, and such exclusion is less likely to disturb these industries from the fact that on account of the eight-hour provision of the law of 1886, the number of children of the above age employed in them is greatly diminished. I am not, however, in accord with the proposal of the committee to leave the eight-hour limit for other children from ten to twelve years of age. This limit, compared with that of other countries, seems to me too high, and besides, I do not think a limit of six hours or even of five and one half, with the double shift involved, impossible of attainment; this seems also to be borne out by the experience of other countries. Moreover, numerous examples given in the report of the parliamentary committee show that in very many industries even the eight-hour term for children from ten to twelve, though it has not seriously disturbed the industrial system, has led to the

discharge of the children of that age. What advantage will there be in maintaining that limit if the children are all discharged? Where the children are retained in spite of the shorter term, as, for example, in the bobbin-winding department of the silk industry, it simply proves that their work is independent, and not bound up with that of adults; hence that there would be in such cases no trouble in changing the limit from eight hours to six. The only industry where it may be advisable to maintain the eight-hour limit is the Sicilian sulphur industry, where the adult miners generally work eight hours per day, but where, on account of the decreasing demand for labor, no harm would be done if the supply should likewise be diminished by the exclusion of a few children from ten to twelve years of age.

In regard to the principle of a day of uniform length for all other protected classes, as is desired by the manufacturing classes and proposed by the parliamentary committee, it may be observed that differences in the hours of work which prevail in other countries have not impeded industrial development; but even if the desired uniformity be attained, I think the limit ought not to exceed eleven hours, and that protection should at the same time be extended to all women. It seems unreasonable to limit the protection of women to minors, for with our social conditions women are no more independent and are in no better position to protect themselves after they have attained their majority than before. The extension to adult women of the protection of the law, and the consequent diminution of the hours of daily labor, giving a wide opportunity for employment, especially in certain industries, is sure to bring a general diminution of the hours of labor in factories, just as was the effect of the ten-hour law in England. But I believe that a gradual diminution of the hours of labor in factories not only will not be injurious, but will on the contrary be helpful to industry. The experience of many manufacturers summed up in a recent work of Professor Brentano's shows that the shortening of the hours of labor is generally made good by the greater diligence of the workmen, who, being less exhausted and debilitated, work

more energetically, so that production is not at all diminished by the diminution of the hours of labor. Further, that in industries where there is a diminution of production on account of the shorter day, employers are stimulated by the higher prices of products to introduce improvements in the equipment and organization of their industries. In applying these considerations to our special case, I may observe that the twelve-hour limit prevails in practice in Italian industries, and therefore the various industrial associations demand a maximum work day of twelve hours; but the state, for the sake of the laborer and the well-being of industry in general, should go a step farther and carry the limit to eleven hours. Nor can it be said that Italian industries are unable from lack of capital to put up with this limitation, for the rapid growth of the cotton industry and the extension of weaving in the silk industry show that the two industries chiefly affected by such limitation do not lack capital. And, moreover, if Italian industries have to bear heavy restrictions, they are also heavily protected, and it is well known that well-protected industries are able to increase their export trade while making the national consumers pay the general expenses of production. Another important provision of the law requires one day of rest per week, for boys under fifteen and women under twenty-one; since this custom, as has been mentioned, is generally observed in Italy, this provision will not meet serious opposition.

In regard to the important question of supervision, the present bill offers merely the provisions of preceding bills which we have already discussed. The minister has therefore presented another bill dealing especially with this subject. The propriety of separating two questions so closely connected might perhaps be criticised, but it is doubtless a matter of parliamentary tactics, the aim being not to concentrate upon the bill proper, which was in part opposed by those interested, the opposition of other elements likely to be aroused by the prospective expense of an effective supervision.

By the bill dealing with industrial supervision presented to

the chamber on July 10, 1895,<sup>1</sup> a corps of Industrial Engineers, forty-six in number, aided by the Engineers and Assistant Engineers of Mines, in order to put into execution the law relating to the work of women and children, shall have competence over the supervision of mines, tunnels, quarries and factories. These engineers will also have other duties, as the inspection of industrial schools, etc., but their very number will be a guarantee that, with the assistance of the judiciary officials, they will be able effectively to supervise the execution of the law.

In summing up the bill for the protection of women and children presented by M. Barazzuoli, though it does not attain the ideal that even under present conditions in Italy should be aimed at in the line of industrial protection, its passage, nevertheless, marks an important step taken by the Italian state in the performance of its social duty.

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ROME, ITALY.

<sup>1</sup> *Atti Parlamentari*. Camera dei Deputati. Legge XIX<sup>a</sup>, Sessione 1895. *Documenti* No. 107.